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REMARKS

A restriction requirement was issued with respect to claims of two groups. Applicant elects to prosecute the claims of Group II, without traverse. However, Applicants have also chosen to cancel certain claims in the elected group, without prejudice to consideration in a continuing application, in order to streamline the issues for substantive review. Thus, Applicants have cancelled claims 132-177, 187-191 and 199-208, without prejudice, as drawn to the non-elected group of claim. Applicants have also cancelled claims 98-131 and 178-186, leaving claims 192-197 for consideration in this application. Applicants have further added new claims 209-211 which depend from elected claim 192.

Applicants have amended claims 192-197 as set forth above. Independent claim 192 has been amended to define the intermediate elements forming the expandable structure as being of substantially similar configuration. This method claim has been further amended to define the step of consecutively introducing the intermediate elements with an intermediate element contacting the top and bottom elements to move the top and bottom elements apart and distract the upper and lower vertebral bodies. Claims 193-197 have been amended to be consistent with independent claim 192. New claims 209-210 define the various elements as being formed of "implant materials." This term is defined in the specification at Paragraph 97, or the first paragraph on page 11.

It is believed that the present claims 192-197 and 209-211 are patentable over the art cited by Applicants. Action toward a Notice of Allowance is hereby requested.

Respectfully submitted,



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